

## **BILL ANALYSIS**

C.S.H.B. 929  
By: Miller  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that recent legislative efforts to strengthen military absentee voting in Texas did not provide adequate time for those absentee ballots to be received and counted. C.S.H.B. 929 seeks to address this issue by extending the deadline for the arrival of ballots voted by mail under certain circumstances.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 929 amends the Election Code to require a ballot voted early by mail as a federal postcard by a person who is a member of the U.S. armed forces or of the U.S. merchant marine, or the spouse or a dependent of such a member, to be counted if the ballot arrives at the address on the carrier envelope not later than the sixth day after the election date, but if that date falls on a Saturday, Sunday, or legal state or national holiday, to extend the deadline to the next regular business day. The bill makes the requirements relating to the period within which the local canvass must occur for an election held on the uniform election date in May applicable instead to the period within which each local canvassing authority is required to convene at the time set by the canvassing authority's presiding officer to conduct the local canvass for an election other than an election held on the date of the general election for state and county officers.

C.S.H.B. 929 repeals Section 67.003(a), Election Code.

### **EFFECTIVE DATE**

September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 929 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

85R 22657

17.98.249

Substitute Document Number: 85R 18801

SECTION 1. Section 86.007, Election Code, is amended by amending Subsections (a), (d), and (g) and adding Subsection (d-1) to read as follows:

(a) Except as provided by Subsection (d) or (d-1), a marked ballot voted by mail must arrive at the address on the carrier envelope before the time the polls are required to close on election day.

(d) A marked ballot voted by mail that arrives after the time prescribed by Subsection (a) shall be counted if:

(1) the ballot was cast from an address outside the United States;

(2) the carrier envelope was placed for delivery before the time the ballot is required to arrive under Subsection (a); and

(3) the ballot arrives at the address on the carrier envelope not later than the eighth ~~fifth~~ day after the date of the election, except that if that date falls on a Saturday, Sunday, or legal state or national holiday, then the deadline is extended to the next regular business day.

(d-1) A marked ballot voted by mail that arrives after the time prescribed by Subsection (a) shall be counted if:

(1) balloting materials are sent after the time prescribed by Section 86.004 for providing the ballots; and

(2) the ballot arrives at the address on the carrier envelope not later than the eighth day after the date of the election, except that if that date falls on a Saturday, Sunday, or legal state or national holiday, then the deadline is extended to the next regular business day.

(g) The secretary of state shall prescribe procedures as necessary to implement Subsections ~~Subsection~~ (d) and (d-1).

SECTION 2. Section 67.003(c), Election Code, is amended to read as follows:

(c) In an election described by Section 65.051(a-1) or in an election in which Section 86.007(d-1)(1) applies, the time for the local canvass may be set not later than the 14th day after election day.

No equivalent provision.

No equivalent provision, but see Section 101.057(b), SECTION 2, below.

No equivalent provision.

SECTION 1. Section 67.003(b), Election Code, is amended to read as follows:

(b) Except as provided by Subsection (c), each local canvassing authority shall convene to conduct the local canvass at the time set by the canvassing authority's

presiding officer [~~For an election held on the uniform election date in May, the local canvass must occur~~] not later than the 11th day after election day and not earlier than the later of:

- (1) the third day after election day;
- (2) the date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or
- (3) the date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

No equivalent provision, but see Section 86.007(d-1), SECTION 1, above.

SECTION 2. Section 101.057, Election Code, is amended to read as follows:

Sec. 101.057. RETURN OF VOTED BALLOT. (a) A ballot voted under this subchapter may be returned to the early voting clerk by mail, common or contract carrier, or courier.

(b) A ballot voted by a voter described by Section 101.001(2)(A) or (B) shall be counted if the ballot arrives at the address on the carrier envelope not later than the sixth day after the date of the election, except that if that date falls on a Saturday, Sunday, or legal state or national holiday, then the deadline is extended to the next regular business day.

No equivalent provision.

SECTION 3. Section 67.003(a), Election Code, is repealed.

SECTION 3. This Act takes effect September 1, 2017.

SECTION 4. Same as introduced version.